

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

TELDIA HAYWOOD, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 1:19-00264

CARETTA MINERALS, LLC,  
CNX GAS COMPANY LLC, and  
UNKNOWN DEFENDANTS,

Defendants.

**MEMORANDUM OPINION AND ORDER**

Pursuant to the court's memorandum opinion and order issued on March 30, 2020, (ECF No. 30), the court dismissed plaintiffs' Complaint without prejudice, allowing plaintiffs to file an amended complaint within 14 days of the issuance of that order. However, the court also stated that if no proposed amended complaint was filed by that April 13, 2020 deadline, the court would issue a judgment order dismissing the case with prejudice. (Id.) No amended complaint has been filed as of April 19, 2020.

However, on April 9, 2020, the court received a letter-form motion from Teldia Haywood. (ECF No. 31). In the letter, Ms. Haywood asks the court to grant her more time to find new representation and file an amended complaint. (See id. at 5). Ms. Haywood claims that she needs to find new representation in this matter, as plaintiffs' counsel Robert Carlton told

plaintiffs he was unable to continue representing them due to his poor health. (Id.)

The court has not received any motion to withdraw from Mr. Carlton. The court thus **DIRECTS** Mr. Carlton to respond to Ms. Haywood's letter-form motion by May 5, 2020. If Mr. Carlton intends to withdraw, he must do so by motion to the court and explain why good cause exists for the court to grant his withdrawal. If Mr. Carlton does not intend to withdraw, the court **DIRECTS** that he file a motion explaining why the court should grant an extension of time for plaintiffs to file an amended complaint. The court also will consider any motions made by counsel for defendants regarding whether the court should dismiss this case with prejudice given plaintiffs' counsel's failure to file an amended complaint by the April 13, 2020 deadline.

Until these above matters are resolved, the court will **HOLD** in abeyance Ms. Haywood's motion for extension of time, and will **HOLD** in abeyance any issuance of a dismissal with prejudice pursuant to the court's March 30, 2020 order.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record and to Ms. Haywood.

IT IS SO ORDERED this 21st day of April, 2020.

**ENTER:**

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge